

Article - Environment

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§16–301.

(a) The Secretary shall promptly delineate the landward boundaries of any wetlands in the State. The landward boundaries of the wetlands shall be shown on suitable maps or aerial photographs on a scale of 1 inch to 200 feet. The maps shall cover an entire political subdivision of the State as determined by the Secretary.

(b) The Secretary shall hold a public hearing in the county of the affected wetlands on completion of the boundary map required in subsection (a) of this section and adoption of proposed regulations provided in § 16-302 of this subtitle. The Secretary shall give notice of the hearing by registered or certified mail not less than 30 days prior to the hearing date, to each owner shown on tax records as an owner of land designated on the map as a wetland. The notice shall include the proposed regulations. The Secretary shall publish notice of the hearing at least once not more than 30 days and not fewer than 10 days before the date of the hearing in a newspaper published within and having a general circulation in every county where the wetlands are located.

(c) After considering the testimony at the hearing and any other pertinent fact, considering the rights of every affected property owner, and the purposes of this subtitle, the Secretary shall establish by order the landward bounds of each wetland and the regulations applicable to the wetland. A copy of the order, together with a copy of the map depicting the boundary lines, shall be filed among the land records in accordance with subsection (d) of this section in every county affected after final appeal has been completed. The Secretary shall give notice of the order to each owner of record of any land designated as wetlands by mailing a copy of the order to the owner by registered or certified mail. The Secretary also shall publish the order in a newspaper published within and having a general circulation in every county where the wetlands are located.

(d) Filing among the land records means that the clerk of the circuit court for each affected county shall maintain all wetlands maps and regulations so as to be accessible to the public and shall display prominently to the public an index map prepared by the Department, which shall indicate the location of each wetlands map within the county, referenced by number corresponding to the map on file. Filing of maps and regulations in accordance with this subsection shall be deemed to constitute notice at all times, to the public and to all property owners affected by this subtitle, of the applicability to the wetlands areas indicated on the maps, regardless of ownership, of the requirement to obtain a permit before dredging or filling private wetlands.

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